IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

DATE OF DECISION: 15.9.2006

Sukhchain Singh

...Appellant

versus

Shamsher Singh and others

... Respondents

CORAM:- Hon'ble Mr. Justice Uma Nath Singh.
Hon'ble Mr.Justice Mahesh Grover.

Present: Mr.Ashit Malik, Advocate,
for the appellant.

UMA NATH SINGH, J. (ORAL)

In this FAO by the owner of the offending vehicle against an award dated 6.5.2006 passed by learned Presiding Officer, Motor Accident Claims Tribunal, Kurukshetra, in MAC Case No.23 of 2005 awarding a sum of Rs.1,50,000/- in an injury case where the victim is said to have suffered 75% mental and orthopaedic disability, learned counsel submitted that the injured was brought to the hospital under the influence of liquor by an unknown person. According to learned counsel, the offending vehicle has been falsely involved in the case.

We have carefully perused the award and also considered the submission of learned counsel. The injured was standing on katcha portion of the road when the accident took place and, thus, the offending vehicle, being a tractor, was grossly rash and negligent in causing the accident. Had it been a case of false involvement, the tractor, which was not insured, could not have been involved for getting money. Besides, the FIR was lodged on

same day with the description of the vehicle.

Accordingly, we do not find any merit in this appeal. However, in the end, learned counsel also submitted that this Court may consider to allow the payment in instalments. The amount being only Rs.1,50,000/-, we permit the appellant to make the payment in two instalments.

With the aforesaid liberty, the FAO is dismissed in limine.

(UMA NATH SINGH)
JUDGE

September 15, 2006 **(MAHESH GROVER)**
pk **JUDGE**